

ORDINANCE NO. 2015-22

AN ORDINANCE ENACTING CHAPTER 729 OF THE PARMA HEIGHTS CODIFIED ORDINANCES ENTITLED "DONATION\RECYCLING BINS" AND DECLARING AN EMERGENCY

WHEREAS, the city currently takes various measures to address illegal dumping and nuisances under existing city codes; and,

WHEREAS, donation containers are being placed in the city by numerous organizations; and,

WHEREAS, amounts of donated materials outside of donation containers such as clothing or other household materials, have the potential to become a larger illegal dumping issue because many containers have items placed outside of the designated container; and,

WHEREAS, this proposed addition to the city code will increase the city's ability to address potentially illegal dumping around donation containers by enacting new registration requirements which provide for accountability of property owners and donation recycling bin owners for the maintenance, upkeep, servicing and signage for donation containers.

NOW, THEREFORE BE IT ORDAINED, by the Council of the City of Parma Heights, County of Cuyahoga and State of Ohio:

Section 1. Chapter 729 entitled "Donation/Recycling Bins" of the Codified Ordinances of the City of Parma Heights is hereby enacted to read as follows:

CHAPTER 729

DONATION\RECYCLING BINS

729.01 Definitions.

As used in this chapter:

- (a) "Donation Bins" shall include, but not limited to, any box, building, trailer or other receptacle that is intended for use as a collection point for donated clothing or other household materials at times when no employee or representative of the sponsoring company or organization is present to accept donations:
- (b) "Recycle Bins" shall include, but not limited to, any box, building, trailer or other receptacle that is intended for use as a collection point for recyclable materials, including but not limited to, glass, paper, aluminum or plastics.
- (c) "Owner" means a person or an agent or officer of a person in whom is vested ownership, dominion, control or title of a donation bin/box.

(d) "Property owner" means a person or entity that has a legal or equitable ownership, dominion, or title in the real property and/or premises, or has possession, charge, care or control of the real property and/or premises.

729.02 Requirements and Maintenance.

(a) The bins may only be located in Class C Zoning Districts.

(b) No bin shall be located on property that does not currently have a permanent business in operation on the same property.

(c) No portion of any bin shall be located in front of the setback line or closer than 16 feet of the rear set back line.

(d) All bins shall be located on hard-surface pavement.

(e) No required off-street parking spaces maybe utilized for such bin, and such shall not be located in any loading lane, driving aisle, queuing area, or handicap parking space including access lane.

(f) No bin shall be larger than six (6) feet wide by six (6) feet long and stand taller than seven (7) feet.

(g) No more than two (2) donation bins shall be permitted on any property.

(h) All bins shall be clearly marked with the name and phone number of the applicant and shall state whether donation is "tax deductible" or "non-tax deductible", provided;

1. Required markings shall be in a font that is easily readable with letters being at least four (4) inches tall;

2. Required markings shall be located on the front of each bin with the front being the side where the bin has an opening for donations.

(i) All bins shall be constructed of all-weather type material and regularly maintained (e.g. repainted/repared) by the applicant such that they remain in a like new condition.

(j) All items for donation shall at all times be fully contained within the bin. No accumulation of items, trash, or debris outside of bin shall be allowed.

(k) If items, trash, or debris accumulates outside of bin or if the bin becomes deteriorated due to lack of proper maintenance, bin shall be considered junk and debris and the applicant will be subject to suspension or revocation of the permit. No permit for a donation bin shall be issued or renewed to any applicant with any pending complaint, a suspended permit or to any applicant whose permit for a donation bin has been revoked.

729.03 Permits.

(a) No one shall place or allow to be placed any donation or recycling bin outside of a building within the city limits without first obtaining a \$100 annual permit to do so from the Building Department. Permits shall be valid from the date issued through December 31st of each year.

(b) Application for a permit shall be made through the city's building department prior to the placement of any bin. The application shall include [1] the name, address, phone, fax and e-mail of the owner or owners, [2] the name, address, phone, fax and e-mail of the person or persons primarily responsible for placing, emptying, servicing, maintaining and removing the donation or recycling bin and [3] the name and address of the property owner of the property upon which the donation or recycling bin will be placed, [4] the written authorization from the property owner on a form provided by the city, which shall include the terms of the placement by lease or otherwise, the property owner's acknowledgement of joint and several liability for any maintenance or other violations.

In addition to the application, the applicant shall submit a site plan which shall show the proposed location of the bin and its relationship to property lines, easements, parking areas, and all buildings located on the property.

(c) Donation and/or recycling bins shall not require a permit if one of the following conditions exists;

1. The bin is located on private property owned or controlled by the applicant and is associated with the applicant's permanent business located within a building on the same property as the bin.
2. The bin is sponsored by or under contract with the City of Parma Heights and located on public property.
3. The bin is located on public school property or church property.

729.04 Enforcement.

(a) Every donation bin shall be maintained in a neat and clean condition and in good repair at all times. Specifically, but without limiting the forgoing, each donation bin shall be serviced and maintained so that it is free of dirt and grease, free of chipped, faded, peeling, and cracked paint, free of rust and corrosion, and free of cracks, dents, blemishes, and discoloration.

(b) Donation bins shall be emptied regularly and within forty-eight (48) hours of the primary contact person being notified by any City official that the donation bin is full. Each donation bin shall clearly state the name, address, and phone number of the charity to which the donated items will benefit.

(c) The Director of Public Service shall have the authority to revoke the permit issued to any person, firm or corporation for the improper placement or lack of maintenance for any donation or recycling bin, however, before revoking such license the permit holder shall be given reasonable notice and the opportunity to correct any such violations.

(d) The permit holder may appeal any order to revoke or suspend the permit to the Board of Zoning Appeals.

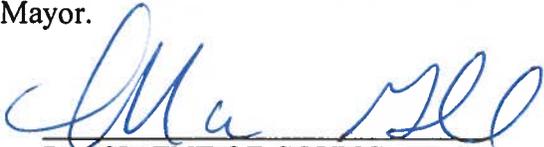
729.05 Penalty.

(a) Whoever violates any of these provisions of this chapter, for which no penalty is otherwise provided, is guilty of a minor misdemeanor. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

Section 2. This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of the Council and of any of its Committees comprised of a majority of the members of the Council that resulted in those formal actions were in meetings open to the public, in compliance with the law.

Section 3. This Ordinance is declared to be an emergency measure necessary for the public peace, health and safety of the Municipality and for the further reason it is necessary to provide for accountability for the maintenance, upkeep, servicing and signage for donation/recycle bins; wherefore, this ordinance shall be in full force and effect immediately upon its passage by Council and approval by the Mayor.

PASSED: 6-8-2015


PRESIDENT OF COUNCIL

ATTEST: Florence A. Bohdan

6-8-2015
APPROVED

FILED WITH
THE MAYOR: 6-8-2015


MAYOR